

**Senate Select Committee on School Safety Hearing on  
“Sexual Orientation, Gender Identity Discrimination and School Safety”**

Plummer Park- Fiesta Hall, West Hollywood

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Last year, Human Rights Watch released a report documenting the failure of the nation’s schools to protect lesbian, gay, bisexual and transgender (LGBT) young people from violence and discrimination in direct violation of these students’ human rights. The report, *Hatred in the Hallways*, found that many LGBT students must spend an inordinate amount of time plotting how to get safely to and from school, how to avoid the hallways when other students are present so they won’t be slammed into lockers, how to cut physical education class to escape being beaten up—in short, how to become invisible so they will not be verbally and physically attacked by their peers. As a result, many lose their focus, their grades suffer, some drop out, and a few commit suicide.

Exacerbating the abuse from peers is the failure of adults to protect them. LGBT students must challenge apathy or, worse, the outright failure of school officials to protect their right to an education free from harm and discrimination. At the federal level, the government has failed to enact measures that would explicitly establish protection from violence and discrimination based on sexual orientation and gender identity.

At the state level, only seven states and the District of Columbia have enacted laws that explicitly prohibit harassment of students or discrimination in education on the basis of sexual orientation. Only three states and the District of Columbia have enacted laws that prohibit harassment based on gender identity.

California is one of the states that have taken the lead in enacting necessary safe school laws to protect LGBT students. By passing the Student Safety and Violence Prevention Act of 2000, still often referred to by its Assembly Bill number, 537, California made a clear commitment to protect the rights of all its children.

Assembly Bill 537 is a model law. Yet, as we all know, enacting this legislation was the first step in a struggle to eliminate anti-LGBT harassment. Indeed, LGBT young people in California to this day continue to endure teachers and administrators who turn their backs, deny reports of harassment, refuse to condemn the harassment, fail to hold accountable students who harass and abuse—and judge and blame the victims because of who they are.

Beyond passing a law, therefore, schools and the officials who oversee them need to ensure that every young person is protected from violations of his or her human rights—including the right to be free from discrimination, harassment, and violence. They must create a safe and respectful environment in which all students can learn and grow without being forced to deny his or her sexual orientation, gender identity or any other essential component of his or her identity.

The Los Angeles Unified School District, the largest school district in the state and the second-largest in the country, understands this and is committed to make necessary changes. With a mandate in its education code to teach about human rights and with the passage of AB537, in 2001-2002, the LAUSD and Human Rights Watch piloted a program designed with input from Human Rights Watch and a coalition of local community-based groups to train teachers, administrators and counselors and students about when and how to intervene when harassment of LGBT youth takes place. With a firm and public commitment from top administrators, including Superintendent Roy Romer, Deputy Superintendent of Instruction, Merle Price, and an unwavering commitment from district staff, Human Rights Watch, in collaboration with the ACLU of Southern California, GSA Network, GLSEN, Teen Line and others created a program that would offer effective trainings at little or no cost.

Phase I of the training took place in six comprehensive high schools within Local District D, reaching eight-five administrators and counselors whose student population total nearly 15,000 students. Phase II (beginning in the 2002-2003 school year) will provide the same training nearly 1000 teachers. Due to its success, the trainings have been mandated throughout all of LAUSD and so Phase II will include the remainder of the administrators and counselors in the districts forty-nine comprehensive high schools. When the trainings are completed in 2003-2004, 77,054 certificated staff will have participated. These staff serve a student population numbering over 160,000.

With this training program, the LAUSD has taken an important step toward insuring that its staff are knowledgeable and possess the skills and resources necessary to effectively address the needs of LGBT youth in its schools. If Los Angeles, a magnificently diverse and challenging district, can make a commitment to uphold its obligation under A.B. 537, no other district in the state can say that they are unable to do the same.

And yet California cannot expect the state's remaining 1,047 school districts to follow the lead of Los Angeles until the state legislature takes steps to ensure the enforcement as well as the enactment of A.B. 537. Even LAUSD's model program has its limitations reflective of the scope of A.B. 537. The measure requires additional training for school staff, but does not provide additional funds to school districts to meet their obligation.

As a result, California's remaining districts will have to focus on low-cost or no-cost trainings, as LAUSD's pilot program does. But, without the resources of such a large and diverse district we must question the quality of what those districts will find available to them.

The state has not yet effectively educated its schools and its communities about the existence of the law—and it has not provided them with guidance on ways to enforce it.

The State Department of Education must play a crucial role here in developing model policies, identifying best practices and preparing training materials. With leadership coming from the state taxpayers will be saved the financial burden of funding each individual district to reinvent the wheel. Many tools needed for teachers and administrators to meet their responsibilities on

this issue have already been identified. The task before the Department is to ensure that those tools are available to all for local use.

The current approach is not only inefficient, but also leaves students—and ultimately school districts and taxpayers—vulnerable. In a recent case against the Visalia School District, the district was forced to pay \$450,000 in a settlement with students whom it had failed to protect from anti-gay harassment.

The state must take steps to enforce A.B. 537, protecting its youth from harm and minimizing the risk of settlements such as this one. If it fails to safeguard our youth, the result will undoubtedly be more costly and avoidable settlements like this one and more stories like those you will hear from students today.

Protecting youth from anti-gay harassment benefits all young people, not only those who identify as gay, lesbian, bisexual or transgender. Programs that decrease a hostile climate let every member of the student body know that school is a safe place to be. A place where everyone is respected, and where every effort is made to provide an environment that is most conducive to learning.

For these reasons, Human Rights Watch commends the California legislature for passage of A.B. 537 and now calls on the state legislature to:

1. Identify funding and establish a clear mandate for the State Department of Education to develop and distribute:
  - a manual of best practices,
  - training materials and,
  - a resource list of trainers
2. Establish an effective mechanism on the state and district level to monitor and enforce compliance with state and federal laws that protect students from discrimination, harassment and violence, including on the basis of sexual orientation and gender identity.
3. Ensure that all university programs for the education of state-certified teachers include mandatory training on working with diverse students including gay, lesbian, bisexual and transgender, students.

Without state-level enforcement, California's commitment to its gay, lesbian, bisexual and transgender youth will be nothing less than a promise broken.

Thank you.